GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3759
ANSWERED ON:22.03.2001
COMPLAINTS AGAINST JUDGES
DILEEP SANGHANI

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of complaints received against judges of Supreme Court, High Courts and Lower Courts during the last three years;

(b) whether the Government propose to evolve a mechanism for speedy disposal of complaints received against judges;

(c) if not, the reasons therefor; and

(d) the authorities with whom complaints can be lodged against the judges and the manner in which these complaints are to be disposed of?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a), (b), (c) and (c) : A statement is laid on the table of the House.

Statement in reply to parts (a), (b), (c) and (d) of the Lok Sabha Unstarred Question No.3759 for answer on 22nd March, 2001.

The issue of Judicial Accountability was discussed at the Conference of Chief Justices held in 1990 and on the basis ofthe broad consensus emerging out of the deliberations, the Chief Justice of India summed up the position as follows:

` The Chief Justice of the High Court has the competence to receive complaints against the conduct of the Judges of his court and when he receives any he would look into it for finding out if it deserves to be closely looked into. Where he is satisfied that the matter requires to be examined, he shall have facts ascertained in such manner as he considers appropriate keeping the nature of allegations in view and if he is of the opinion that the matter is such that it should be reported to the Chief Justice of India, he shall do so.

The Chief Justice of India shall act in asimilar manner in regard to complaints relating to conduct of Judges of the Supreme Court and in regard to conduct of Chief Justices of the High Courts.

On the basis of the facts ascertained, the Chief Justice of the High Court or the Supreme Court, as thecase may be shall take such appropriate action as may be considered proper, keeping the interests of the judiciary as the paramount consideration.`

2. The complaints received against the Judges of the Supreme Court and the High Courts are dealt with in the matter indicated above.

2.1 It is, however, not possible to indicate the number of complaints received against the Judges of the Supreme Court and the High Courts.

3. The subject matter regarding corruption in lower Judiciary is the concern of the respective State Governments and the High Courts in accordance with the provisions of Article 235 of the Constitution of India.